



M O N T A N A
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V I O L E N C E

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January 9, 2007

To: Senate Judiciary Committee
From: Kelsen Young, Executive Director
Re: SB 156 – Sex Offender Accountability Act
SB 154 – Revise law on sexual predators

Good morning, Mr. Chairman and Members of the Senate Judiciary Committee. For the record, my name is Kelsen Young and I am the Executive Director of the Montana Coalition Against Domestic and Sexual Violence. We are a statewide membership organization representing direct service programs from across the state who provide services to victims of domestic and sexual violence. We rise in support of Senate Bill 156. We will also be opposing Senate Bill 154.

We have decided to support Senate Bill 156, Senator Perry and the Attorney General Office's proposal, because we believe it to be the more reasonable and effective of the proposals introduced this session for addressing the issue of sexual offender management. Although we appreciate the variety of attempts being made at managing sexual offenders and increasing victim safety, we fear that such attempts will not have the desired affects or outcomes and that these measures do not appropriately address the realities of sexual violence towards children or adults.

Contrary to popular myths, children and youth are far more at risk of sexual abuse from adults they know (90% of child victims knew their offender). The same is true for adult victims of sexual assault. Research shows that the vast majority of sex offenders know their victims, yet the types of measures being proposed generally address situations in which the sex offender is a stranger to the victim. In fact millions of dollars are being proposed or directed towards these efforts across the country. Whereas, comparably little funding or attention is being paid towards the more likely situation – when the victim and offender are within the same family or someone else known to the victim.

Most of the measures also only address sex offenders who have been convicted. Research shows that less than 10% of all sex crimes result in a criminal conviction, and the vast majority of sex offenders are never reported, let alone tried and convicted. (Facts about Sex Offenders, www.atsa.com)

We are also concerned, and would generally oppose, mandatory minimum sentences such as the required 25 years in this bill (and also the multiple required 25 years in SB 154). The concern with mandatory minimums of this type from the victim-advocacy perspective is that harsher penalties will actually result in more dropped charges, or prosecutors filing charges for a lesser crime knowing how difficult it may be to get a conviction. (This type of situation happens now with even lighter penalties.) Long mandatory minimum sentences also may keep victims who were assaulted by someone they know from reporting the

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crime. These possible negative consequences of mandatory minimums may result in fewer sex offenders being prosecuted and tracked.

MCADSV absolutely supports efforts to find solutions to the issue of sex offender management and creating accountability within the criminal justice system. We also believe that a priority for funding and resources should be directed towards providing services for sexual violence survivors and ensuring that support systems are available to them as well, which are currently lacking in Montana at this time.

Thank you for your time and attention. If you have questions, I am available to provide further information.